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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,077	04/08/2004	Judith Ann Rutovic	JAR-1	1129

7590 03/24/2006

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EXAMINER

GOODMAN, CHARLES

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,077	RUTOVIC, JUDITH ANN	
	Examiner	Art Unit	
	Charles Goodman	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed on 12/30/2005 has been entered.
2. The drawings were received on 12/30/2005. These drawings are approved.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4, and 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i. Claim 1 is vague and indefinite in that it is not clear what the claim encompasses with respect to the phrase "...each respective transverse flange slopes..." Comparison of Figs. 1-3 in the disclosure shows that the feature which may read on this language may be between, e.g. references (32) and (34) - Fig. 2, but this is not a slope that is defined in a transverse section of a scissor. In other words, Fig. 3 of the specification shows what the Examiner understands to be the transverse section, yet there is no sloping as claimed. Thus, what is this part of the claim referring to?
- ii. Claims 8 and 13 are vague and indefinite in that it is not clear how they are further limiting the invention when each depend from cancelled claim 3. For examination purposes, they have been treated as if each depend from claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. As best understood, claims 1, 2, 4, and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maledon (US 4,449,300) in view of Frank (US 5,758,422).

Maledon discloses the invention substantially as claimed except that Maledon lacks details of the angular orientation of the respective shearing faces. Note that the slight curve to the blades (12, 14) reads on the claimed "slope." See Fig. 1. However, it is the Examiner's position that one of the well known means by which these types of scissors may be fashioned so that there is no hindrance to the cutting action is by having the shearing faces complementarily oriented so that as the shearing faces meet, there is no interference. In other words, if the shearing portions (or facets) of the respective teeth are completely vertically oriented (for example when the scissors are closed), then there is little play or arrangement that allows the respective blades to be easily opened or closed due to the edges of the shearing faces rubbing against the opposite face when the blades are pivoted. To support the Examiner's position, Frank teaches a pair of scissors with interchangeable blades (46, 48) of various toothed designs, at least with respect to what is shown, but most importantly, Frank teaches that the faces of the blade pairs which face each other are not planar but are curves around the axis of the pivot of the scissors. See e.g., c. 4, ll. 19-34. Alternatively, Frank also teaches that undercuts may

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be utilized for facing surfaces. It is the Examiner's view that one of ordinary skill in the art would understand the undercuts to be angularly planar or curvilinear or a combination so long as the undercut configurations accounts for the pivoting aspect of the scissor blades. Either means are provided to reduce or eliminate the interference problem noted by the Examiner. Thus, although Maledon lacks explicit details as to how the shearing faces are oriented, in view of the teachings of Maledon and the knowledge and skill of the ordinary artisan, it would have been obvious to provide Maledon with the angular orientation of the shearing faces as claimed in order to facilitate the shearing action of toothed shaped scissor blades.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 4 and 8-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

cg

March 19, 2006


Charles Goodman
Primary Examiner
AU 3724

ARLES C
F. MARY F



Approved. A. 3/7/06